

State of California  
California Regional Water Quality Control Board  
Colorado River Basin Region

### **MINUTES OF BOARD MEETING**

Thursday, January 15, 2015, 9:02 a.m. to 12:17 p.m.

California Regional Water Quality Control Board  
Colorado River Basin Region  
Board Room  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

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### **CALL TO ORDER**

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Ellen Way at 9:02 a.m. on January 15, 2015, at Palm Desert, California.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL (Board Members Only)**

#### **Regional Board Members Present:**

Buford Crites, Tom Davis, Ed Muzik, Ellen Way, Nancy Wright.

The Board Liaison stated that a quorum was present.

**Regional Water Board Counsel:** Tom Vandenberg

#### **Regional Board Staff Present:**

Robert Perdue, Jose Angel, Soni Wells, Mary Castañeda, Abdi Haile, Mary Serra, Kai Dunn, Joan Stormo, Hilda Vasquez, Doug Wylie, Nadim Shukry-Zeywar, Francisco Costa, Jeff Geraci, Jeong-Hee Lim, Maribel Rodriguez, Logan Raub

#### **Others Present:**

Jennifer Henke, CVMVCD  
David S. Hanselman, Ph.D., Synthetic Genomics  
Patrick E. Taber, BIA  
Bob Stadum, President, Hi-Desert Water District Board  
Steve Bigley, CVWD  
Steve Charlton, IID  
Linsey Dale, ICFB

## **MINUTES**

1. Minutes of November 13, 2014 Board Meeting

**MOTION:** Buford Crites moved, Tom Davis seconded, to approve Minutes. Motion was carried unanimously the Minutes be adopted.

## **PUBLIC FORUM**

2. No speakers.

## **UNCONTESTED WASTE DISCHARGE REQUIREMENTS**

3. R7-2015-0009 Waste Discharge Requirements for County of Imperial Public Works Department, Owner/Operator, Holtville Class III Municipal Solid Waste Landfill, 2678 Whitlock Road, Holtville, Imperial County (revised)

### **PULLED**

4. R7-2015-0010 Waste Discharge Requirements for Fountain of Youth Corporation, Owner/Operator, Fountain of Youth Spa Mobile Home/RV Park, 1500 Spa Road, Niland, Imperial County (revised)

**MOTION:** Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order No. R7-2015-0010 be adopted.

5. R7-2015-0012 Waste Discharge Requirements for Synthetic Genomics, Inc., Owner/ Operator, Imperial Valley Bio-products Facility Evaporation Ponds, 250 West Schrimpf Road, Calipatria, Imperial County (new)

**MOTION:** Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously Order No. R7-2015-0012 be adopted.

6. R7-2015-0013 Waste Discharge Requirements for City of Palm Springs, Owner, Veolia West Water Operating Services, Inc., Operator, Palm Springs Wastewater Treatment Facility, 4375 East Mesquite Road, Palm Springs, Riverside County (revised)

### **PULLED**

## **RESOLUTION**

7. R7-2015-0014 Resolution Approving the Initial Study and Adopting the Proposed Negative Declaration for the Proposed Conditional Waiver of Waste Discharge Requirements for

Agricultural Wastewater Discharges and Discharges of  
Wastes from Drain Operation and Maintenance Activities  
Originating within Imperial Valley - Imperial County

Chair Way noted for the record that even though she is a farmer, she does not have any farming interests in the Imperial Valley, and, therefore, she does not have any conflict of interest regarding her participation in this matter. Jose Angel, Assistant Executive Officer, presented the Proposed Negative Declaration. He stated that the proposed Negative Declaration is for the proposed Conditional Waiver of WDRs for agricultural wastewater discharges from the Imperial Valley. Originally, the proposed Waiver would have covered 480,000 acres of farmland in the Imperial Valley and 800 acres in the Town of Felicity. However, he noted that after staff conducted a CEQA Scoping meeting for the project in December 2013, the Imperial County Farm Bureau recommended that the acreage in Felicity be enrolled under the Ag Waiver for Bard Valley. RB Staff agreed with the recommendation and the proposed project was narrowed to cover only the 480,000 acres in the Imperial Valley. He then stated there were no other comments received concerning the proposed Negative Declaration and thus, recommended the Board adopt the Resolution. Ms. Way asked who worked on the CEQA environmental documents. Mr. Angel stated that he was the lead staff person, but was well assisted by staff members Drs. Costa and Lim.

**MOTION:** Ed Muzik moved, Nancy Wright seconded, and the motion carried unanimously Resolution R7-2015-0014 be adopted.

**WAIVER OF WASTE DISCHARGE REQUIREMENTS**

8.           R7-2015-0008           Conditional Waiver of Waste Discharge Requirements for  
Agricultural Wastewater Discharges and Discharges of  
Wastes from Drain Operation and Maintenance Activities  
Originating within Imperial Valley - Imperial County

Jose Angel presented the proposed Conditional Waiver. He thanked the RB TMDL Unit staff for assisting him in drafting some key provisions of the Waiver; and thanked Steve Charlton from IID and Linsey Dale of the Imperial County Farm Bureau for their contributions to the proposed Waiver. He mentioned that the Waiver applies only to 480,000 acres of agricultural land in the Imperial Valley, and that this acreage is divided into Drainsheds along the Alamo and New Rivers. Mr. Angel further explained that the Waiver:

- Addresses the impacts from tilewater, tailwater, and stormwater from farm fields;
- Requires farmers to implement management practices, and that landowners are ultimately responsible for complying with the Waiver;
- Also addresses impacts from drain operation and maintenance activities, which the IID is mainly responsible for addressing;
- Establishes time schedules and milestones, and requires monitoring and reporting;
- Provides for the formation of Coalitions to organize the farmers' participation and which serve as the interface between farmers and the Regional Board; and
- Requires farmers to either sign on with an approved Coalition, or to apply for individual coverage;

- Requires the formation of a Technical Management Committee comprised of IID, the Farm Bureau, and Regional Board staff to report on how the Waiver is working.

Mr. Angel mentioned RB staff did extensive outreach and education regarding the proposed Waiver, particularly during the Farm Bureau's Annual Drainshed meetings. A key objective was to make the transition for the farmers from the TMDL Voluntary Program into the Waiver as smooth as possible.

Mr. Angel discussed how IID and ICFB propose to form a Coalition to help the farmers, and, if approved by the IID Board of directors, the IID would be collecting the fee. Ms. Way asked who sets the fee. Mr. Angel responded "the State Water Board". If the State Water Board approves the IID as the fee collector, he said the fee would be 0.75 cents per acre plus \$100 total for the Coalition. Mr. Davis asked whether the farmers would have to pay the \$0.75 per acre plus \$100. Mr. Angel clarified that farmers only have to pay \$0.75 per acre, and the Coalition only pays \$100 total. He then described the tasks required by the Waiver of the IID, Farm Bureau and farmers and their time schedule for completion, including implementation of the recommendations contained in a Selenium study report the IID prepared for the State Water Board. He concluded his presentation by informing the Board that staff received comments from the California Farm Bureau Federation and Imperial County Farm Bureau requesting the farmers keep their management plans on-site, instead of sending them to the Board. Mr. Angel said RB staff responded in writing to the commenters that their request was not very practicable for the Imperial Valley and that RB staff has been receiving their TMDL plans electronically for nearly 12 years. Mr. Angel recommended the Board adopt the proposed Waiver as drafted.

Ms. Way asked whether the proposed Waiver would improve water quality and whether there are current constituents that are causing water quality problems. Mr. Angel said the waiver would improve water quality because it requires the farmers to address all constituents of concern, not just silt, and there are currently used pesticides causing problems. Regarding the Selenium report, Mr. Crites asked whether it was peer reviewed and whether there is random sampling of the drains. Mr. Angel said it was not peer reviewed and that there is sampling of a representative number of drains. Mr. Davis asked what the monitoring is showing about the effects of Selenium on crops. Mr. Angel responded that the main concern about Selenium is its impact on aquatic life because it bio-accumulates, for example in fish, and is accumulating in the Salton Sea. Ms. Wright commented that the Quantification Settlement Agreement (QSA) could compound the Selenium problem. Mr. Crites noted that following up on the Selenium report's recommendations puts a lot of pressure on the staff.

Ms. Linsey Dale (Imperial County Farm Bureau) addressed the Board regarding the Waiver. She mentioned that their Bureau's Program has been very successful and said the farmers objected to the fee, explaining that the fee is going to add significant cost to the Bureau's Program. She also expressed concerns about how the fee is going to be collected and reiterated the Bureau's written comments about the filling of the management plans with the Board rather than keeping them on-site at the farms due to trade secret concerns. Several Board members raised concerns about the fees, what they cover, and how they keep going up. Mr. Perdue asked how other Regional Boards are handling the filling of the plan. Mr. Angel pointed out that there are procedures in place from the Office of the Chief Counsel to handle sensitive information in the plans, including trade secrets. Messrs. Davis and Crites asked Ms. Dale if she had a problem

with the information that the farmers are currently providing to the Board. Ms. Dale said that she did if the information fell into the wrong hands. Mr. Crites asked if she had a problem even if it was public information. Ms. Dale repeated that she did, if it fell into the wrong hands. Mr. Muzik asked whether a farmer who is not farming still has to pay the fee. Mr. Angel said “yes” because there is storm water runoff coming from the farm also. Ms. Dale concluded her remarks by inviting the Board for a tour of the Imperial Valley.

**MOTION:** Buford Crites moved, Tom Davis seconded, and the motion carried with a vote of four “ayes” and one “no” (Ellen Way) with errata changes R7-2015-0008 be adopted.

## **OTHER BUSINESS**

9. Election of Chair and Vice-Chair  
Ellen Way was voted in as Chair for 2015  
Nancy Wright was voted in as Vice-Chair for 2015

The motion was made by Buford Crites that Ellen Way be re-elected Chair and Nancy Wright be re-elected as Vice Chair, and seconded by Ed Muzik. The vote passed with all in favor.

10. Schedule of Board Meetings for Calendar Year 2015  
Calendar Year 2015 was set as follows: Thursday, March 12, 2015 (Brawley); Wednesday, May 13, 2015 (Palm Desert); Thursday, June 11, 2015 (Yucca Valley); Thursday September 17, 2015 (Palm Desert), and Thursday, November 19, 2015 (Palm Desert).  
The motion to accept the schedule was moved by Ed Muzik, seconded by Tom Davis, and the schedule was adopted with all in favor.

There was discussion on the upcoming Salt and Nutrient Management Plan Workshop to be held in February. It was determined that the workshop would be held on February 19, 2015, from 9:00 a.m. to 11:00 a.m. (subsequently changed to 1:00 p.m. to 4:00 p.m.).

It was decided that a tour of the Imperial Valley Farms would take place after the March 12, 2015 Board Meeting (subsequently canceled and replaced with a tour of the Synthetic Genomics Facility beginning at 2:00 p.m.).

The Mexicali tour/Binational Technical Committee meeting on January 22, 2015, was also discussed.

11. Informational Update: State Water Resources Control Board Activities —TV  
Mr. Vandenberg referred the Board members to the activities handout, which updated the Board on the State Water Board’s adoption of the Industrial General Permit and General Permit for Drinking Water Discharges, amendment to the State Water Board’s Clean Water Action section 303(d) Listing Policy and 303(d) List, the status of the Composting General Order, and the approval of the State Water Board’s petition regulations.
12. Update on New River Pollution from Mexico – JLA  
Tabled due to time limitations. To be discussed at the March 12, 2015 Board Meeting.
13. Update on Meaders Cleaners – RP  
Tabled due to time limitations. To be discussed at the March 12, 2015 Board Meeting.

14. Colorado River Basin Water Board Executive Officer's Report — RP

15. Colorado River Basin Water Board Member Comments

Mr. Davis mentioned that Cal State University of Palm Desert has started a Salton Sea resource institute, called the "Salton Sea Repository". Mr. Davis stated that he would have CSUPD contact Mr. Angel.

Ms. Wright informed the Members that during the January Chairs' Conference Call the Performance Report for Fiscal Year 13/14 indicated our Region met 77% of the targets for that fiscal year. Ms. Wright also stated that the highest performing Region was Region 4 with 91% completion and the lowest was Region 8 with 45% completion. Mr. Angel stated RB7 management has made structural changes by moving staff to improve efficiency and accountability.

Ms. Wright reported on the Mexicali meeting of January 14, 2015, which she and Mr. Angel attended. Mexicali officials reported that the "old" part of Mexicali had numerous sewage collection system mainline breaks, which resulted in 2 to 20 million gallons of raw sewage a day flowing into the New River. Mr. Angel stated the California Legislature will be holding a hearing on the matter. Ms. Wright and Mr. Angel stated that Mexicali officials are working to retain the water on the Mexico side of the border, which would assist our efforts.

Ms. Wright commented on the continuing Wetlands Committee activities sponsored by SWRCB Member Steve Moore. The Committee of RB Chairs and EOs share lessons learned throughout the state on attempts to restore historic wetlands lost to changes in land use. Furthermore, Ms. Wright noted that due to the desert environment, newly constructed wetlands are needed in RB7. An example being possible construction of wetlands where the New River flows into the Salton Sea. Wetlands, whether restored or newly constructed, are long term, expensive projects requiring years of planning and often multiple funding sources. Ms. Wright indicated that Mr. Perdue is serving as Board contact for the majority of the Committee meetings.

Mr. Perdue recommended the Board Members attend a tour of the Topock site. Mr. Crites informed the Board that he recently toured the site with the PG&E Staff and the EO, and it was worthwhile.

16. Colorado River Basin Water Board Chair's Report — EW

**CLOSED SESSION**

17. At any time during the regular session, the Board may adjourn to meet in closed session to consider the appointment, employment, evaluation of performance, or dismissal of a public employee [Authority: Government Code Section 11126(a)]; to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

a. EXECUTIVE OFFICER PERFORMANCE EVALUATION

The Board met in closed session to evaluate the Executive Officer's performance.

**ARRANGEMENTS FOR NEXT BOARD MEETING: 10:00 a.m., MARCH 12, 2015, BRAWLEY, CA.**

**ADJOURNMENT OF BOARD MEETING 12:17 p.m.**